



**EAST DUNBARTONSHIRE
LICENSING BOARD**

20 DECEMBER 2018

CLB/18/16

CLERK TO THE LICENSING BOARD

CONTACT OFFICER:

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SUBJECT TITLE:

STATEMENT OF LICENSING POLICY 2018-23

1.0 PURPOSE

- 1.1** The purpose of this report is for the East Dunbartonshire Licensing Board (the “**Board**”) to consider the consultation responses received on the draft statement of licensing policy 2018-23 and to ask the Board to approve a finalised statement in furtherance of its statutory obligation in terms of section 6(1) the Licensing (Scotland) Act 2005 (the “**Act**”).

2.0	<u>RECOMMENDATIONS</u>
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It is recommended that the Board:

- (a) considers the contents of the consultation responses and this report; and
- (b) decides on and approves the final statement of licensing policy 2018-23.

3.0 BACKGROUND/MAIN ISSUES

- 3.1** Section 6(1) of the Act requires the Board to publish a statement of its policy with respect to the exercise of its functions under the Act 18 months after an ordinary election of Councillors. The Board must ensure that the statement promotes the Act’s licensing objectives which are:-
- preventing crime and disorder;
 - securing public safety;
 - preventing public nuisance;
 - protecting and improving public health; and
 - protecting children and young persons from harm.
- 3.2** Section 7 of the Act requires the statement of licensing policy to include the extent to which the Board considers there to be any overprovision of (a) licensed premises, or (b) licensed premises of a particular description, in any locality within the Board’s area.
- 3.3** On 8 November 2018, the Board approved a draft statement of licensing policy and agreed to consult various parties on the draft statement. Copies of the responses received during the consultation period accompany this report at Appendices 5 to 13.

- 3.4** When considering overprovision for the licensing policy statement the Board must (a) have regard to the number and capacity of licensed premises in the locality and (b) consult with the chief constable, the relevant health board, such persons as appear to the Board to be representative of the interests of the holders of local premises licences and such other persons as the Board thinks fit. The draft statement of licensing policy has again identified the Hillhead area of Kirkintilloch as an area of overprovision in terms of off-sales premises. In addition to this, the draft statement identifies part of the locality of Kirkintilloch West as a new area of overprovision for off-sales premises. The Board should note that consultees are supportive of these proposals.
- 3.5** In response to a representation made by the trade, the draft statement of licensing policy proposed a change to the on-sales policy opening hours for Saturday and Sunday being a 0100 terminal hour on Saturday into Sunday, and a Sunday opening hour of 1200 noon for premises other than those specifically provided for. The Board should note that Greene King, JD Wetherspoon PLC and McGinley's Bar have requested that the Sunday opening hour be amended to 1100 hours to bring it in line with members clubs. Greene King state in their response that as the current commencement hour of 1100 hours Monday to Saturday does not cause issues with the licensing objectives then there seems no good reason, in their opinion, why 1100 hours cannot be adopted on a Sunday. JD Wetherspoon support that view and in addition state that a later licensing time is a significant disadvantage commercially and restricts customer choice. McGinley's Bar also state in their response to the consultation that an earlier opening hour of 1100 hours would allow their customers to come into their premises and watch many of the sporting events that are often on at those earlier times and allow customers to enjoy sporting events in their own choice of environment. The Health and Social Care Partnership and Alcohol and Drug Partnership are only supportive of the Sunday opening hour being amended to 1200 noon.
- 3.6** There have been a number of other suggestions from the trade in their consultation responses. These include: (a) increasing the terminal hour for outdoor drinking from 2200 to 2300 hours, and (b) asking the Board to consider a later terminal hour for outdoor areas where a later terminal hour will not prejudice residential amenity. The trade have also noted that as the environment of a typical pub has transformed over the last few years, with a real emphasis being on a quality food offer, this has meant that such premises now appeal to families looking to dine in an informal and relaxed atmosphere. The trade believe that children and young persons' access is particularly important in East Dunbartonshire due to its prominence as a place to live and socialise. Given this, the trade have requested that the Board recognise the context that premises operate within as well as other factors such as its locality, when determining the operation of outdoor areas and appropriate children's access, to ensure consistency with the licensing objectives.
- 3.7** The Board is now required to decide on these matters and approve a final statement of licensing policy for the period 2018-23.

4.0 IMPLICATIONS

- 4.1** The implications for the Council are as undernoted.
- 4.2** Frontline Service to Customers – The revised licensing policy statement will inform the Board when it exercises its regulatory function under the Act.
- 4.3** Workforce (including any significant resource implications) – None.

- 4.4 Legal Implications – It is a requirement under the Act that the Board consults on the draft licensing policy statement.
- 4.5 Financial Implications – None.
- 4.6 Procurement – None.
- 4.7 ICT – The draft consultation will be published on the Council’s website and through the Council’s Twitter and Facebook accounts.
- 4.8 Corporate Assets – None.
- 4.9 Equalities Implications – None.
- 4.10 Other – None.

5 **MANAGEMENT OF RISK**

- 5.1 The risks and control measures relating to this report are as follows.
- 5.2 The consultation process will fulfil the Board’s statutory duties under the Act. The adoption of a refreshed policy will allow the Board to undertake its regulatory function. Legal advice will be provided throughout the process to the Board to ensure that the statutory requirements are met at all times.

6 **IMPACT**

- 6.1 **ECONOMIC DEVELOPMENT** – The continuing regulation of the licensed trade will contribute to the overall economic development of East Dunbartonshire.
- 6.2 **EMPLOYABILITY** – None.
- 6.3 **DELIVERING FOR CHILDREN & YOUNG PEOPLE** – The licensing policy statement will contribute to the health and safety of children and young people through the potential extension of overprovision areas for off-sales licences.
- 6.4 **COMMUNITY SAFETY** – The licensing policy statement will contribute to the safety of the residents of East Dunbartonshire.
- 6.5 **ADULT HEALTH & WELLBEING** - The regulation and control of the sale of alcohol will contribute to the overall improvement of the health and social care of the residents of East Dunbartonshire.
- 6.6 **OLDER ADULTS & VULNERABLE PEOPLE HEALTH & SOCIAL CARE** – The regulation and control of the sale of alcohol will contribute to the overall improvement of the health and social care of the residents of East Dunbartonshire.
- 6.7 **STATUTORY DUTY** – In publishing a licensing policy statement, the Council will be complying with its statutory obligations under the Act.

7 POLICY CHECKLIST

- 7.1** Completed documentation in this regard can be found at Appendices 1, 2 and 3.

8 APPENDICES

- 8.1** **APPENDIX 1** – Policy Development Checklist template checklist.
- 8.2** **APPENDIX 2** – Equality Impact Assessment template assessment.
- 8.3** **APPENDIX 3** – Risk Assessment template assessment.
- 8.4** **APPENDIX 4** - Draft licensing policy statement 2018-23.
- 8.5** **APPENDIX 5** – Consultation Response HSCP and ADP.
- 8.6** **APPENDIX 6** – Consultation Response Alcohol Focus Scotland.
- 8.7** **APPENDIX 7** – Consultation Response Community Protection.
- 8.8** **APPENDIX 8** – Consultation Response Greene King.
- 8.9** **APPENDIX 9** – Consultation Response Health Board.
- 8.10** **APPENDIX 10** – Consultation Response McGinley’s Bar.
- 8.11** **APPENDIX 11** – Consultation Response Police Scotland.
- 8.12** **APPENDIX 12** – Consultation Response Punch Taverns.
- 8.13** **APPENDIX 13** – Consultation Response JD Wetherspoon PLC.